



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

E.6
4/16/77

APR 16 1997

REPLY TO THE ATTENTION OF:

SM-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

M.P. Wilkins Supply Co.
302 S. Byrne Rd.
P.O. Box 7419
Arco Ind. Pk-Lot 26
Toledo, OH 43666

EPA Region 5 Records Ctr.



283915

Re: Request for Information Pursuant to Section 104 of CERCLA
for the Toledo Tie Treatment Site in Toledo, Lucas County,
Ohio

Dear Sir or Madam:

The U.S. Environmental Protection Agency (U.S. EPA or Agency) is investigating the Toledo Tie Treatment Site in Toledo, Lucas County, Ohio (the "Site"). This Site is located at the Arco Industrial Park in Toledo, Ohio on approximately 21 acres. The Site is bordered on the north and west by industrial and commercial property, on the east by the Toledo terminal railroad, and on the south by Conrail railroad tracks. Williams Ditch runs adjacent to the property on the west and north perimeters. The U.S. EPA believes that you may have information that is relevant to the investigation of contamination at the Site.

The Site originally encompassed 50 acres, most of which was owned by the Federal Creosoting Corporation from 1923 to 1959. Federal Creosoting Corporation operated a railroad tie treatment facility at the Site until 1959 when we understand the property was transferred to Federal Creosoting Corporation's successor, the American Creosoting Company. The American Creosoting Company continued operating the facility until 1962 when the property was transferred to the City of Toledo. The property, apparently unused by the City, was purchased by Arco Realty Inc., incorporated in 1969 to develop Arco Industrial Park. A number of on-site investigations have been conducted at the Site since 1990 which have shown that the on-site soils and sediments in Williams Ditch are contaminated with Creosote materials, including a variety of polycyclic aromatic hydrocarbons (PAHs). We understand that you currently own or operate a business/property at Arco Industrial Park Lot 26.

The U.S. EPA asks that you provide information and documents relating to the Site. Please respond completely and truthfully to this Information Request and its questions in Attachment 1 within 21 days of your receipt of this letter. Instructions for

completion of this response are in Attachment 2; definitions of terms used in this Information Request and its questions are in Attachment 3.

You may consider some information that we request as confidential. If you wish to assert a privilege of business confidentiality, you must respond to the question and advise U.S. EPA that you request that the Agency treat the response as confidential business information. Directions to assert a claim of business confidentiality are in Attachment 4.

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, et seq., commonly referred to as CERCLA gives the U.S. EPA the authority to: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by a site and 3) clean up those sites.

Under § 104(e)(2) of CERCLA, U.S. EPA has authority to gather information and to require persons to furnish information or documents relating to:

- A. The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean up.

This Information Request is directed to your company, its officers, directors and employees and requires you to provide information regarding affiliated corporations' involvement with the Site, including, but not limited to, Arco Inc..

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to § 104(e)(5) of CERCLA, as amended. Failure to respond and failure to justify the non-response can result in similar penalties under this Section. Further, § 104(e)(5) authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. The U.S. EPA considers *non-compliance* to be not only failure to respond to the Information Request, but also failure to respond completely and truthfully to each question in the Information Request.

The provision of false, fictitious or fraudulent statements or misrepresentations may subject you or your firm to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years imprisonment, or both, under 18 U.S.C. 1001. The U.S. EPA has the authority to use the information requested in an administrative, civil or criminal action.

This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

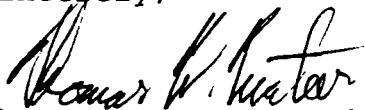
Return your response to U.S. EPA within 21 days of your receipt of this Information Request. Mail your response to:

Ronald Pearman
U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd. (SM-5J)
Chicago, Il 60604

If you have questions about a legal matter please call our attorney, Randa Bishlawi at 312 353-8917. Address technical questions to the Remedial Project Manager\On-scene Coordinator Deborah Orr at 312 886-7576. Address all other questions to Ronald Pearman at 312 353-8923.

We appreciate your effort to respond fully and promptly to this information request.

Sincerely,



Thomas W. Mateer, Chief
Program Management Branch

Attachment: 1. Instructions
2. Questions
3. Definitions
4. Confidential Business Information

cc: Randa Bishlawi, ORC(C-29A)
Deborah Orr, RPM(HSRL-6J)
Ronald Pearman, RESS(HSM-5J)